

AMENDMENT AND RESPONSE

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Serial No. 10/748,915

Attorney Docket No. KSC-12386

Title: Wireless Instrumentation System And Power Management Scheme Therefore

REMARKS**Rejections Relying on 35 U.S.C. § 102(c)**

Applicant notes that the reference used in support of the rejections relies on 35 U.S.C. § 102(c). In responding to the rejections, Applicant does not admit that the reference is prior art and Applicant specifically reserves the right to swear behind this reference at a future date. However, Applicant contends that the claims are patentably distinct from the cited reference as presented herein.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 7-11, 24-25, and 30-33 were rejected under 35 U.S.C. § 102(c) as being anticipated by Bonta et al. (U.S. Publication No. 20040063451).

Applicant notes that the Bonta et al. reference discloses a system in which an out-of-coverage subscriber to a network proactively obtains knowledge of each immediate neighbor's identification and possible ad-hoc network routes to those neighbor units. The out-of-coverage subscriber then sends a registration to network infrastructure equipment, either directly or through one of the neighbor units, containing an identification of the out-of-coverage subscriber and the identity of one or more possible relay units. The network equipment then creates an association between the registering subscriber and the reported potential relays. *See*, Bonta et al., paragraphs 0016-0017. Furthermore, if one of the relay nodes determines that it will no longer be able to act as a relay, it notifies the registered out-of-service subscriber to register again. *See*, Bonta et al., paragraph 0019. Applicant thus contends that the system of Bonta et al. relies on the out-of-coverage subscriber to identify desired relay stations for communication with a central station. Applicant further contends that the network equipment is not involved in that identification and acts only upon the identification of relay nodes contained within a registration initiated by the out-of-service subscriber.

Applicant has disclosed methods and systems in which the central station determines which remote stations to designate as lost stations in response to communication failures between the central station and the lost stations. *See*, Specification, paragraph 0007 ("The central station controller labels any of the remote stations that cannot be reached as 'lost stations.'"). Thus, while Bonta et al. relies on the out-of-coverage subscriber to self identify as

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being out-of-coverage and to propose its possible relay paths, the methods and systems of the present application facilitate autonomous identification of lost stations and creation of relay paths. Claim 1 is amended herein to more clearly claim this differentiation.

Claim 1 is amended to recite, in part, "identifying from said central station at least one of said remote stations that can act as a relay station that can relay information from said central station to said lost station or to another of said remote stations that can also act as a relay station." Because claim 1 requires the identification of lost stations to occur from the central station, claim 1 is patentably distinct from the cited reference in which lost stations (Bonta et al.'s out-of-coverage subscribers) must identify themselves to the central station (Bonta et al.'s network equipment).

Claim 24 recites, in part, "wherein, said central station controller is programmed to: determine whether any of said remote stations has become a lost station due to a communication failure between said central station and said lost station." As noted with respect to claim 1, Applicant contends that the cited reference does not teach or suggest at least this limitation in that Bonta et al.'s network equipment is not programmed to determine whether any remote stations has become a lost station due to a communication failure, but only deems a subscriber to be out-of-coverage if the subscriber registers as such. Applicant thus contends that claim 24 is patentably distinct from the cited reference as presented.

In view of the foregoing, Applicant respectfully submits that claims 1 and 24 are allowable over the cited reference. As claims 2 and 7-11 include all patentable limitations of claim 1, and claims 25 and 30-33 include all patentable limitations of claim 24, these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e), and allowance of claims 1-2, 7-11, 24-25, and 30-33.

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Allowable Subject Matter

Claims 3-6, 12-15, 26-29 and 35-38 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant submits that it has shown independent claims 1 and 24 to be patentably distinct from the cited reference. As claims 3-6 and 12-15 contain all patentable limitations of claim 1, and claims 26-29 and 35-38 contain all patentable limitations of claim 24, these claims are believed to be allowable in their current form. Applicant thus respectfully requests reconsideration and withdrawal of the objection, and allowance of claims 3-6, 12-15, 26-29, and 35-38.

Applicant acknowledges that claims 16-23 and 39-46 were indicated as being allowed.

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CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case.

The Examiner is invited to contact Applicant's Representative at direct dial 321-867-7214 if there are any questions regarding the Response or if prosecution of this application may be assisted thereby. No new matter has been entered and no additional fee is required by this amendment.

Please deem this a petition for extension of time if necessary to maintain pendency of this patent application. Please charge any additional fees necessary to maintain pendency of this patent application or credit any overpayment to Deposit Account No. 14-0116.

Respectfully submitted,

March 17, 2006

Date

Randall M. Heald

Randall M. Heald

Reg. No.: 28,561

NASA John F. Kennedy Space Center

Mail Code CC-A

Kennedy Space Center, FL 32899

Tel. No.: 321-867-7214

Fax No.: 321-867-1817

Customer No.: 25190